

MINUTE ITEM

31. TERMINATION OF LEASES AND CANCELLATION OF RENTALS BILLED JANUARY 1, 1960, FISH CANYON, LOS ANGELES COUNTY - W.O. 3457.

After consideration of Calendar Item 21 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED:

1. TO CANCEL THE LEASES LISTED BELOW, EFFECTIVE WITH THE DATE OF COMMISSION ACTION;
2. TO MAKE APPLICATION TO THE BOARD OF CONTROL FOR DISCHARGE OF ACCOUNTABILITY, UNDER THE PROVISIONS OF SECTIONS 13940, ET SEQ., GOVERNMENT CODE, WITH RESPECT TO THE AMOUNTS DUE AND OWING THE STATE:

<u>LEASE NO.</u> <u>P.R.C.</u>	<u>LOT</u> <u>NO.</u>	<u>NAME OF LESSEE</u>	<u>RENTAL</u> <u>ACCOUNT</u> <u>BALANCES</u> <u>3/31/60</u>
1266.2	3	MR. AND MRS. R. R. BURGOON	\$30.00
1267.2	5	MR. AND MRS. R. R. BURGOON	30.00
1271.2	12	MR. AND MRS. JOHN F. DILLIN	30.00
1275.2	16	BOY SCOUT TROOP NO. 219	30.00
1276.2	17	L. H. CLINGMAN, ET AL.	30.00
1281.2	23	CYRIL BALL	30.00
1284.2	27	AZUSA CHAPTER, CIVITAN INTERNATIONAL	30.00
1295.2	44	MR. AND MRS. GILBERT R. FRICK	30.00

THE GROUNDS FOR SUCH APPLICATION ARE:

1. THE USE OF THE LEASED LANDS WAS FRUSTRATED PRIOR TO THE DATE OF INVOICING THE AMOUNTS DUE AND OWING; THUS, IN EQUITY, THE LESSEES SHOULD NOT BE REQUIRED TO PAY SUCH AMOUNTS.
2. COLLECTION IS IMPROBABLE, AND, IF RESISTED, THE AMOUNTS DUE AND OWING ARE TOO SMALL TO JUSTIFY THE COST OF COLLECTION THEREOF.

Attachment

Calendar Item 21 (2 pages)

CALENDAR ITEM

21.

TERMINATION OF LEASES AND CANCELLATION OF RENTALS BILLED JANUARY 1, 1960, FISH CANYON, LOS ANGELES COUNTY - W.O. 3457.

At the meeting on May 28, 1959 (Minute Item 20, pages 4866-69), the State Lands Commission canceled 18 leases covering cabin sites in Fish Canyon, Los Angeles County, because a forest fire and subsequent floods had destroyed many of the cabins and rendered most of the sites inoperable.

On January 1, 1960, the remaining 19 Fish Canyon lessees were billed for the 1960 rents in accordance with the lease terms. Subsequently, five lessees requested termination of their leases based on the fact that the sites were inoperable because of the destruction caused by the flood waters. Three lessees holding devastated sites failed to pay the rental billed January 1, 1960, and did not respond to letters asking whether they proposed to continue holding their respective leases.

Section 14 of each lease provides that in the event the lessee defaults in any payment of the rent "it shall be lawful for the lessor at its sole election to declare the said term ended". Because of the catastrophe which occurred, the purpose for which the lands were leased has been frustrated, and therefore all of the leases aforementioned should be terminated as requested, or for cause, without requiring the lessees to pay rentals billed as of January 1, 1960.

A discharge of accountability should be sought from the Board of Control under the provisions of Sections 13940, et seq., Government Code, in order to permit the write off of the unpaid rentals.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED:

1. TO CANCEL THE LEASES LISTED BELOW, EFFECTIVE WITH THE DATE OF COMMISSION ACTION;
2. TO MAKE APPLICATION TO THE BOARD OF CONTROL FOR DISCHARGE OF ACCOUNTABILITY, UNDER THE PROVISIONS OF SECTIONS 13940, ET SEQ., GOVERNMENT CODE, WITH RESPECT TO THE AMOUNTS DUE AND OWING THE STATE:

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CALENDAR ITEM 21. (CONTD)

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